

TOWN OF BUCKEYE
REGULAR COUNCIL MEETING MINUTES
JULY 6, 2004

1. Call to Order/Roll Call

Mayor Hull, who led the pledge of allegiance called the meeting to order at 7:00 p.m.

Members Present: Mayor Hull, Councilman Meck, Councilman Beard, Councilwoman May, Councilman Doster, and Councilman Garza.

Members Absent: Vice Mayor Urwiller.

Staff Present: Carroll Reynolds, Scott Ruby, Linda Garrison, Mary Saiz, Larry Harmer, Scott Rounds, Alicia Griffin, Jeanine Guy, Tim Fitzpatrick, Todd Glenn, Jason Hardison and Wood Scoutten.

2. Comments from the Public – None.

Consent Agenda: All items with an (*) are considered to be routine and will be enacted by one motion of the Council. Agenda items *3, *4, *5A, *5C, *5D, *5E, *5F, *5G, *5H were all on the consent agenda. Moved by Councilman Meck, seconded by Councilwoman May to approve the item as presented on the consent agenda. The motion passed unanimously.

(*3) Approved of the minutes of the June 5, 2004 Budget Tour, June 8th, 10th and 17th Budget workshops, and the June 15, 2004 regular Council meeting and study session, the June 16th Public Hearing Sundance HOA meeting.

(*4) Approved the invoices due by the Town for payment. Councilman Beard declared a conflict of interest on the payment of an invoice to Beard's Western Wear.

(*5A) Approved the appointment of Alice Charman to the Library Board to fill the vacancy left by the resignation of Pat Layden.

(*5C) Ratified the Management and Implementation Agreement (MIA) for the Community Development Block Grant in the amount of \$462,000 to reconstruct 5th and 7th Streets between Monroe Avenue and Irwin Avenue.

(*5D) Approved the request from Public Works to purchase a street sweeper from Atlantic Machinery in the amount of \$135,040. Funding for this equipment will be from a Federal Grant through Maricopa County Association of Governments.

(*5E) Approved the sole source purchase of a lowering device and associated equipment for the cemetery from Hepburn Superior in the amount of \$6,700.

(*5F) Approved authorizing the Consent by the Town of Buckeye to Partial Assignment of the Allied Receivables Funding Incorporated (Paradise Waste) to a third party.

(*5G) Approved the firm of Cronstrom & Trbovich, P.C. for audit services for the year ended 6/30/04 with an option for the subsequent year.

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(*5H) Approved entering into an agreement with The Greater Phoenix Economic Council in the amount of \$4,659 to provide support of the regional economic development program for the fiscal year July 1, 2004 to June 30, 2005.

Item *5B was pulled from the consent agenda.

5B. Authorizing the Town to Submit a Grant to the Federal Aviation Administration

Councilman Doster questioned if the Town owned all the property that was to be fenced. Scott Ruby suggested that Exhibit "A" reflect just the property that the fence will be on and that the Town owns the property. After some discussion, moved by Councilman Doster, seconded by Councilman Meck that the Council authorize the Town submitting a grant application to the Federal Aviation Administration in the amount of \$450,000 for perimeter and security fencing and that Exhibit "A" will reflect just the property that the fence will be on and verify that the Town owns the property and to authorize the Mayor or Town Manager to sign all necessary documents. The motion passed unanimously.

NON CONSENT AGENDA ITEMS

OLD BUSINESS

5I. Ordinance 27-04 Southwest Ranch Development Agreement and Community Master Plan - TABLED

Ordinance 27-04 approved both a Development Agreement and the Community Master Plan for the development of Southwest Ranch, a Master Planned Community by Harvard Investments on approximately 457 acres located in portions of Section 20 and 29 of Township 1 North, Range 2 West of the Gila and Salt River Base and Meridian and authorizing and directing the Mayor to sign the Development Agreement on behalf of the Town and read by title only. Council received a request to table this item. Moved by Councilman Meck, seconded by Councilwoman May to table this item. The motion passed unanimously.

NEW BUSINESS – NON CONSENT

5J. PUBLIC HEARINGS

Mayor Hull opened the public hearing at 7:15 p.m. to hear citizens' input on the following proposed annexation requests: (1) request from Randy Heller and Ricky Lyons of JRM-NWC Limited Partnership, L.L.L.P. and Champion Partners Acquisition, L.L.C. for the annexation of approximately 40 acres as generally located northwest from the intersection of Jackrabbit Trail and McDowell Road (CHAMPION A04-06) and (2) request from Chris Lentz of United Engineering on behalf of Buckeye 60 L.L.C. Association with Inca Capital L.L.C. for the annexation of approximately 60 acres as generally located one-half mile north of the northeast intersection corner of Lower Buckeye Road and Apache Road (INCA CAPITAL A04-08). **Debbie Hunzer, 202nd Ave and McDowell Road** requested that the area from 199th Avenue to 202nd Avenue between McDowell Road and Encanto Blvd. remain a County island and not be considered for annexation into the Town. Mayor Hull stated that the Town was not looking at annexation of the property mentioned; the public hearing was for just the property that Mr. Lentz was requesting annexation of. **Robert Stone, 1806 N. 18th Ave.** stated that 197th Avenue was a dirt road and did not know what heavy truck traffic would do to the road. Mr. Scoutten, Town Engineer, stated that the developer will make the necessary street improvements, but the project would be totally enclosed and not go through to 197th Ave. There being no further input from the public, Mayor Hull closed the public hearing at 7:24 p.m.

5K. Resolution 27-04 Final Plat Tartesso West (FP03-484)

Resolution 27-04 approved the Final Plat of a subdivision to be known as "Tartesso West, Planning Unit 1" located southwest of the intersection of Sun Valley Parkway and Indian School Road and also located generally within Sections 20 and 29, Township 2 North, Range 4 West of the Gila and Salt River Base and Meridian, Maricopa County and read by title only. Request by Stephen Earl of Earl Curely & Legarde on behalf of Stardust Development. (1,239 lots/units on 314 gross acres and a gross density of 3.95 units per

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acre.) Mr. Stephen Earl of Earl Curely & Lagarde stated that the Final Plat was for only 766 single family lots and that the remainder of the 1,239 lots would probably be multi-family, but would need to come before the Council at another time. Moved by Councilman Meck, seconded by Councilman Doster to adopt Resolution 27-04 approving the Final Plat of a subdivision to be known as "Tartesso West, Planning Unit 1" and read by title only. The motion passed unanimously.

5L. Resolution 28-04 Final Plat Terra Vista (FP03-436)

Resolution 28-04 approved the Final Plat of a subdivision to be known as "Terra Vista" located southeast of the intersection of Rooks Road and Monroe Avenue and also located generally within Section 6, Township 1 South, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County and read by title only. Request by Joe Kalish on behalf of Terra Vista Investors. (316 lots/units on 78.49 gross acres and a gross density of 4.03 dwelling units per acre.) Councilman Garza questioned if Highway 85 would need to be widened. Staff reported that there was a requirement to do some widening to satisfy MCDOT, but MCDOT was not requiring curbs, gutters, and sidewalks. Moved by Councilman Meck, seconded by Councilwoman May to adopt Resolution 28-04 approving the Final Plat of a subdivision to be known as "Terra Vista" and read by title only. The motion passed unanimously.

5M. Resolution 29-04 Final Plat Sundance Parcel 42 (FP04-28)

Resolution 29-04 approved the Final Plat of a subdivision to be known as "Sundance Parcel 42" located in the easterly portion of the west half of the northeast quarter of Section 14, Township 1 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County and read by title only. Requested by RBF Consulting on behalf of Pulte Homes. (149 lots on 31.50 net acres with a net density of 4.73 dwelling units per acre) Moved by Councilman Meck, seconded by Councilman Beard to adopt Resolution 29-04 approving the Final Plat of a subdivision to be known as "Sundance Parcel 42" and read by title only. The motion passed unanimously.

5N. Resolution 30-04 Final Plat Sundance Parcel 43 and 34B (FP03-455)

Resolution 30-04 approved the Final Plat of a subdivision to be known as "Sundance Parcel 43 and 34B" located in the easterly portion of the Sundance Community fronting south of Yuma Road and as situated in a portion of the northeast quarter of Section 14, Township 1 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County and read by title only. Request by RBF Consulting on behalf of Marlor Homes. (220 lots on 46.61 net acres for a net density of 4.72 dwelling units per acre) Moved by Councilman Meck, seconded by Councilwoman May to adopt Resolution 30-04 approving the Final Plat of a subdivision to be known as "Sundance Parcel 43 and 34B" and read by title only. The motion passed unanimously.

5O. Ordinance 28-04 Rezoning – Raney (RZ04-194)

Ordinance 28-04 amended the Land Use District Map of the Town in an area generally southeast of the intersection Miller Road and Irwin Avenue from the RR (rural residential) Land Use District to the CC (Commercial Center) Land Use District (2 acres), the MR (Mixed Residential) Land Use District Map (30.7 acres). Walker-Long Holdings, Inc. on behalf of Bill and Pamela Raney requesting the rezoning of approximately 40 acres. Moved by Councilman Meck, seconded by Councilwoman May to adopt Ordinance 28-04 amending the Land Use District Map in an area generally southeast of the intersection of Miller Road and Irwin Avenue from RR to CC (2 acres), and MR (30.7 acres). The motion passed unanimously.

5P. IRS Penalties

Moved by Councilman Meck, seconded by Councilwoman May to authorize the expenditure of \$8,436.40 to the IRS for penalties and payment of delinquent taxes. The motion passed unanimously.

5Q. Amendment to Town Development Code

Moved by Councilwoman May, seconded by Councilman Meck to initiate an amendment to the Town Development Code relating to Community Master Plans and their authority under the Town Development Code. The motion passed unanimously.

5R. Adoption of Tentative Budget for FY 2004/2005

Moved by Councilwoman May, seconded by Councilman Doster to approve adoption of Resolution 31-04 adopting the Tentative Budget for Fiscal Year 2004/2005 with the minor changes discussed in the budget workshop which included police staffing, funds for Council retreats, changes in the dollar amount in the contingency line item to hold places for the police radio system and possible staffing requested by the Social Services Department and read by title only. The motion passed unanimously.

5S. Change Order #1 Standard Construction Company

Council was requested to approve Change Order #1 from Standard Construction Company for the CDBG Project DG0302 (Street Reconstruction – 2nd, 3rd, and 4th Streets) in the amount of \$57,415.00. The project budget sources include \$41,560 from Main Street Revitalization Fund and \$15,855 from a combination of CDBG and HURF funds. Moved by Councilman Meck, seconded by Councilwoman May to approve Change Order #1 from Standard Construction Company in the amount of \$57,415.00 of which \$41,560 will come from Main Street Revitalization and \$15,855 from a combination of CDBG and HURF funds.

6. Interim Town Manager's Report.

The Interim Town Manager reported on the following items:

1. 2nd, 3rd, and 4th Streets are nearly complete. Some residents have been installing driveways to their property which helps the appearance and maintenance of the street.
2. Earlier this week met with Maricopa Environmental Services Department regarding the WWTP.
3. A stop sign has been installed at Broadway Road and Watson Road.
4. At the next Council meeting there will be an Autant Agreement with Maricopa County for the development of Watson Road and Southern Avenue.
5. Jeanine Guy reminded staff and Council the Employee Appreciation Party on July 16th and invited all to take part in the festivities including a pie in the face contest.

7. Comments from the Mayor and Council.

Councilman Meck thanked the Council, management and staff on the budget process.

Councilman Beard showed interest in the pie in the face contest.

Councilman Garza thought the budget process proved very educational.

Mayor Hull thanks fellow Councilmember's and staff for their time during the budget process.

8. Adjournment

There being no further business to come before the Council, moved by Councilman Meck, seconded by Councilman Beard to adjourn (7:59 p.m.). The motion passed unanimously.

Dustin Hull, Mayor

ATTEST:

Linda Garrison, Town Clerk

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I hereby certify that the foregoing minutes are a true and correct copy of the Town Council meeting held on the 6th day of July 2004. I further certify that the meeting was duly called and that a quorum was present.

Linda Garrison, Town Clerk